

May 16, 2013

UNITED STATES COURT OF APPEALS
TENTH CIRCUIT

Elisabeth A. Shumaker
Clerk of Court

JAMES HARMON,

Plaintiff - Appellant,

v.

GOV. SEAN PARNELL,

Defendant - Appellee.

No. 13-1028
(D.C. No. 1:12-CV-02922-LTB)
(D. Colorado)

ORDER AND JUDGMENT*

Before **HARTZ, O’BRIEN**, and **GORSUCH**, Circuit Judges.

James Harmon filed in the United States District Court for the District of Colorado a frivolous complaint under 42 U.S.C. § 1983 against Governor Sean Parnell of Alaska, claiming that he had been subjected to cruel and unusual punishment. His statement of supporting facts was simply: “Shortly after I was arrested in 2004, the state of Alaska essentially declared war on me. This campaign includes all judges, federal and state (in the state of Alaska).” R. at 6.

*After examining the briefs and appellate record, this panel has determined unanimously that oral argument would not materially assist the determination of this appeal. *See* Fed. R. App. P. 34(a)(2); 10th Cir. R. 34.1(G). The case is therefore ordered submitted without oral argument. This order and judgment is not binding precedent except under the doctrines of law of the case, *res judicata*, and collateral estoppel. It may be cited, however, for its persuasive value consistent with Fed. R. App. P. 32.1 and 10th Cir. R. 32.1.

The district court dismissed the complaint under 28 U.S.C. § 1915 as legally frivolous. Mr. Harmon appeals. We DISMISS the appeal as frivolous. Both dismissals shall count as strikes under 28 U.S.C. § 1915(g). *See Jennings v. Natrona Cnty. Det. Ctr.*, 175 F.3d 775, 780 (10th Cir. 1999). We deny Mr. Harmon's request to proceed *in forma pauperis*.

Entered for the Court

Harris L Hartz
Circuit Judge